

**§ 908.17 Suspension or waiver of rules.**

In an extraordinary situation, any requirement of these rules may be suspended or waived by the Administrator on request of the interested party, to the extent such waiver is consistent with the provisions of Public Law 92–205 and subject to such other requirements as may be imposed.

**§ 908.18 Matters not specifically provided for in rules.**

All matters not specifically provided for or situations not specifically addressed in these rules will be decided in accordance with the merits of each case by or under the authority of the Administrator, and such decision will be communicated in writing to all parties involved in the case.

**§ 908.19 Publication of notice of proposed amendments.**

Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the FEDERAL REGISTER. If not published with the notice, copies of the text of proposed amendments will be furnished to any person requesting the same. All comments, suggestions, and briefs received within the time specified in the notice will be considered before adoption of the proposed amendments, which may be modified in the light thereof. Informal hearings may be held at the discretion of the Administrator.

**§ 908.20 Effective date.**

These rules are effective on June 10, 1976.

**§ 908.21 Report form.**

Public Law 92–205 and these rules should be studied carefully prior to reporting. Reports required by these rules shall be submitted on forms obtainable on request from the Administrator, or on an equivalent format.<sup>1</sup> In special situations, such alterations to the forms as the circumstances thereto may render necessary may be made, provided they do not depart from the requirements of these rules or of Public Law 92–205.

<sup>1</sup>Filed as part of the original document.

**PART 909—POLICIES AND PROCEDURES REGARDING DISCLOSURE OF INFORMATION AND NOAA EMPLOYEE TESTIMONY IN LITIGATION NOT INVOLVING THE UNITED STATES**

Sec.

909.1 Purpose and policy.

909.2 Disclosure and certification of information and records.

909.3 Response to subpoena duces tecum.

909.4 Testimony by NOAA employees in litigation not involving the United States.

909.5 Conditions for authorizing testimony.

AUTHORITY: 15 U.S.C. 315, 1512, 1518; 33 U.S.C. 884; 43 U.S.C. 1458, 1460, 1461.

SOURCE: 43 FR 36240, Aug. 16, 1978, unless otherwise noted.

**§ 909.1 Purpose and policy.**

(a) The regulations in this part describe NOAA policies and procedures for the disclosure of information, records, and data to parties and testimony by NOAA employees in litigation not involving the United States.

(b) It is the policy of NOAA to provide information, data, and records to non-Federal litigants to the same extent that they are available to the general public. The availability of NOAA employees to testify in non-Federal litigation is governed by the NOAA policy of maintaining strict impartiality among non-Federal litigants. To this end NOAA witnesses generally may provide only factual testimony except as provided for in § 909.5(c) and shall not appear as expert witnesses in litigation not involving the United States.

**§ 909.2 Disclosure and certification of information and records.**

(a) Requests for identifiable information, records, and data in NOAA's possession will be complied with consistent with the NOAA freedom of information regulation (15 CFR part 903), the Department of Commerce privacy regulations (15 CFR part 4b), and 15 U.S.C. 1525. Requests for records, information, and data should be addressed as specified in 15 CFR part 903.

(b) Certified copies of NOAA records will be provided upon request. Requests